UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN THE MATTER OF: **CECIL L. YATES,** **KISSIE YATES,** Debtor(s)	))))))	Case No: B-1081871 C-13D

OBJECTION BY STANDING TRUSTEE TO CONFIRMATION OF PLAN

NOW COMES Richard M. Hutson, II, Standing Trustee ("Trustee") and respectfully objects to confirmation of the Debtors' plan pursuant to 11 U.S.C. §1325 and shows unto the Court the following:

1. The Debtors filed a petition under Title 11 of the United States Code, Chapter 13, on October 14, 2010, in the United States Bankruptcy Court for the Middle District of North Carolina.

2. On October 14, 2010, Richard M. Hutson, II, was appointed as Trustee.

3. This Court has proper and personal jurisdiction of the subject matter hereof and over the parties pursuant to 28 U.S.C. §§151, 157 and 1334, and the Standing Order entered by the United States District Court for the Middle District of North Carolina and this is a core proceeding within 28 U.S.C. §157(b).

4. The Debtors' plan proposes a monthly plan payment of $1,982.00 per month for a period of 60 months. No dividend is required to unsecured creditors.

5. Household Realty ("Household") has filed a claim in the amount of $85,506.30 secured by the Debtors' real property. Household asserts monthly payments of $1,001.88 and an arrearage claim through January of 2011 of $23,841.30.

6. Beneficial has filed a claim in the amount of $16,115.13 also secured by the Debtors' real property. The claim of Beneficial is to be paid as fully secured in monthly installments of $338.68.

7. The Debtors' plan provides for Westlake Financial ("Westlake") to be paid as fully secured by the Debtors' 2007 Nissan in monthly installments of $246.29.

8. The Trustee objects to confirmation of the plan in that the Debtors' proposed plan payments are not sufficient to satisfy the long-term debt of Household, the

arrearage claim of Household, the secured claims of the Beneficial and Westlake, and all other claims within the 60 month time limitation of 11 U.S.C. §1322(d).

WHEREFORE, the Trustee prays the Court for an Order as follows:

1. That the Debtors' plan not be confirmed in that the plan does not comply with 11 U.S.C. §1325 and the case be dismissed for cause pursuant to 11 U.S.C. §1307; or

2. For such other and further relief as the Court may deem just or proper.

This the 14th day of December, 2010.

s/Benjamin E. Lovell
Benjamin E. Lovell
Attorney for the Trustee
State Bar No: 23266
P.O. Box 3613
Durham, N.C. 27702

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document upon John T. Orcutt, Esq., 6616-203 Six Forks Rd., Raleigh, NC 27615, Cecil L. Yates & Kissie Yates, 1415 Bacon St., Durham, NC 27707, and Michael D. West, Esq., U.S. Bankruptcy Administrator, PO Box 1828, Greensboro, NC 27402 by depositing a copy of same in the United States Mail, postage prepaid, and in the manner prescribed by Rule 5 of the Federal Rules of Civil Procedure.

This 14th day of December, 2010.

s/Benjamin E. Lovell
Benjamin E. Lovell, Esq.
Attorney for the Standing Trustee